

UNITED STATES DISTRICT COURT

for the
Southern District of OhioIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)THE CELLULAR TELEPHONE ASSIGNED CALL NUMBER:
937-536-8530

Case No.

3.20 mj 131

SHARON L. OVINGTON

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):
See Attachment A. This court has authority to issue this warrant under 18 U.S.C. sections 2703(c)(1)(A) and 2711(3)(A) and Federal Rule of Criminal Procedure 41.

located in the unknown District of unknown, there is now concealed (identify the person or describe the property to be seized):

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Offense Description

SEE ATTACHMENT C

The application is based on these facts:

See Attached Affidavit

- ☒ Continued on the attached sheet.
☒ Delayed notice of 30 days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me and signed in my presence.

Date: 3-12-20City and state: Dayton, Ohio

Applicant's signature

SA CHRISTOPHER WALLACE, HSI

Printed name and title

Judge's signature

Sharon L. Ovington, United States Magistrate Judge

Printed name and title

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

IN THE MATTER OF THE SEARCH OF
THE CELLULAR TELEPHONE
ASSIGNED CALL NUMBER: 937-536-8530

Case No. _____

**AFFIDAVIT IN SUPPORT OF AN
APPLICATION UNDER RULE 41 FOR A
WARRANT TO SEARCH AND SEIZE**

I, Christopher Wallace, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant under Federal Rule of Criminal Procedure 41 and 18 U.S.C. §§ 2703(c)(1)(A) for information about the location of the cellular telephone assigned call number 937-536-8530 (the "**Target Cell Phone**"), whose service provider is Sprint, a wireless telephone service provider headquartered at 6480 Sprint Parkway, Overland Park, KS 66251. The **Target Cell Phone** are described herein and in Attachment A, and the location information to be seized is described herein and in Attachment B.
2. I am a Special Agent of Homeland Security Investigations (HSI), United States Department of Homeland Security, am hereinafter referred to as Affiant.
3. Affiant is an employee of Homeland Security Investigations assigned to the Cincinnati Resident Office. Affiant has been employed with HSI since May of 2005. Affiant attended and graduated from the basic agent training course in Brunswick, Georgia.

Affiant has received extensive training in the investigation of child exploitation crimes from Homeland Security Investigations, as well as ongoing in-service training.

4. As a Special Agent for Homeland Security Investigations, Affiant is charged with investigating criminal violations relating to child exploitation and child pornography, including violations pertaining to the illegal production, distribution, receipt and possession of child pornography, in violation of 18 U.S.C. §§ 2251, 2252(a) and 2252A, together with other assigned duties as imposed by federal law.
5. By virtue of Affiant's employment with the HSI, he performs and has performed various tasks which include, but are not limited to:
 - a) Functioning as a surveillance agent for the primary purpose of observing and movements of persons trafficking in child pornography and child exploitation and those suspected of trafficking in child pornography and child exploitation;
 - b) Functioning as a case agent which entails the supervision of specific aspects of child pornography and child exploitation investigations;
6. Based on the facts set forth in this affidavit, there is probable cause to believe that violations of 18 U.S.C. §§ 2251, 2252(a) and 2252A have been committed, are being committed, and will be committed by the user of the **Target Cell Phone** and others known and unknown. There is also probable cause to believe that the location information described in Attachment B will constitute evidence of these criminal violations, and will lead to the identification of individuals who are engaged in the commission of these offenses.

7. All the details of the investigation are not included in this Affidavit; only information necessary to establish probable cause that evidence associated with the above listed offenses have been committed, are being committed, and will be committed by the user of the **Target Cell Phone**.

PROBABLE CAUSE

8. On January 28, 2020, the La Habra Police Department (LHPD) in California served a State of California search warrant at the residence of Phineas Cozmiuc. Cozmiuc was cooperative and consented to an interview with LHPD Detective Baclit. Cozmiuc admitted to exchanging (receives and sends) child pornography with other people on the internet over 100 times. Cozmiuc has used multiple Discord accounts to exchange child pornography, but was banned as a result of the illegal activity. One Discord account that Cozmiuc created was for the username: "YaBoyPhineas#3060"
9. Detective Baclit asked Cozmiuc if he (Cozmiuc) had come across anyone on the internet that was exploiting a child. Cozmiuc nodded in the affirmative and stated that he (Cozmiuc) through the Discord username "YaBoyPhineas#3060" was communicating with a female on Discord with username "AkiHaru#5042". After communicating with AkiHaru#5042 for a period of time, Cozmiuc and AkiHaru#5042 agreed to transition their conversation to another platform named Wickr. AkiHaru#5042 then began sending Cozmiuc images and videos of a child, approximately 4 years of age (henceforth referred to as Minor Victim (MV)) on Wickr. AkiHaru#5042 told Cozmiuc that MV is AkiHaru#5042's cousin. Specifically, AkiHaru#5042 sent Cozmiuc nude images of MV's genitals.

10. Discord is a proprietary free application and digital distribution platform designed for video gaming communities, that specializes in text, image, video and audio communication between users in a chat channel. Discord runs on Windows, Apple, Android, Linux, and in web browsers. Discord uses the metaphors of servers and channels similar to Internet Relay Chat even though these servers do not map to traditional hardware or virtual. A user can create a server on Discord, managing its public visibility and access, and create one or more channels within this service. Within a server, depending on access controls, users can create channels within a category framework, with the visibility and access on the channels also customizable to the server. One such customization is the ability to mark channels "NSFW" (Not safe for work), which forces first-time channel viewers to confirm that they are over 18 and willing to see such content.
11. Wickr is an instant messaging application that allows users to exchange end-to-end encrypted and content-expiring messages (messages and attachment that automatically delete themselves), including photos, videos, and file attachments and place end-to-end encrypted video conference calls. The Wickr application is available for the Apple, Android, Windows and Linux operating systems.
12. Cozmiuc described AkiHaru#5042 as a single white female adult, approximately 29 years of age, who recently moved and worked in some form of an assisted living facility in Ohio. Cozmiuc has communicated with AkiHaru#5042 for a few months and chatted with AkiHaru#5042 as recently as a week ago. Cozmiuc did not know AkiHaru#5042's legal name. AkiHaru#5042 had sent Cozmiuc an image of an Ohio driver license. The

date of birth was visible and read 05/25/1991. The height was visible and read 5'09. The eye color was visible and read "BLU". All other information was redacted on the image of the license. AkiHaru#5042 also sent Cozmiuc images of what AkiHaru#5042 stated accurately depicted her (AkiHaru#5042). The photograph AkiHaru#5042 sent Cozmiuc depicted a female with dark hair, a visible chest tattoo, and facial piercings.

13. LHPD conducted a preliminary search of Cozmiuc's computer and recovered approximately 154 Images, 26 videos and 30 hyperlinks all containing child pornography.
14. Also on January 28, 2020, LHPD Detective Baclit obtained a State of California search warrant for the Discord screen name AkiHaru#5042. Discord responded immediately and provided the requested information for the aforementioned screen name. After receiving the information and reviewing pictures within the Discord account, Detective Baclit located an image of Christopher BRYANT's Ohio driver license. The address depicted as 1362 E Cedarview Drive, Springfield, Ohio 45503. Detective Baclit also located the same pictures that were sent to Cozmiuc, that were utilized by BRYANT, when trying to portray himself as a female adult. These pictures consisted of the license that was redacted, and the images of a female with dark hair, a visible chest tattoo, and facial piercings.
15. On January 29, 2020, LHPD Detective Baclit forwarded the complete results of the search warrant for Discord account username AkiHaru#5042 to your affiant, via the Ohio Cuyahoga County ICAC Task Force.

16. Your affiant reviewed the complete results of the search warrant for Discord account username AkiHaru#5042. There are numerous animated and/or computer-generated images that appear to be minor females in various stages of undress and engaging in sexual intercourse with adults
17. Your affiant located the image of BRYANT's Ohio driver license described in paragraph 49. The chat logs of username AkiHaru#5042 were included in the information provided by Discord. Your affiant located a chat log between AkiHaru#5042 and multiple other Discord users that contained the following messages:

<u>Date/Time</u>	<u>Username</u>	<u>Message</u>
2019-11-15 01:13	AkiHaru#5042	I still don't have my own place yet.
2019-11-15 01:13	AkiHaru#5042	Or a vehicle...
2019-11-15 01:14	AkiHaru#5042	But I got my Ohio license lol
2019-11-15 01:14	AkiHaru#5042	(image of BRYANT's Ohio driver license)

18. Your affiant located an image of BRYANT holding his (BRYANT) partially redacted Ohio driver license and a sheet of paper. The number VC763536 is visible on the Ohio driver license. On the sheet of paper the following is hand written:

User: AkiKaru#5042
 Server: Like 18+
 Time: 8:12am

19. On January 29, 2020, a query in the Ohio Law Enforcement Gateway (OHLEG) confirmed the existence of Ohio driver license number VC763536 registered to Christopher BRYANT at the address of 1362 E Cedarview Drive, Springfield, Ohio

45503. A temporary tag expiring on February 15, 2020, was also issued to BRYANT for a silver Saturn Ion.

20. Your affiant located a chat log between AkiHaru#5042 and YaBoyPhineas#3060 that occurred between December 2, 2019 and January 25, 2020.

21. The chat log contained numerous messages, specifically, your affiant observed the following messages relevant to the investigation:

<u>Date/Time</u>	<u>Username</u>	<u>Message</u>
2019-12-02 04:04	YaBoyPhineas#3060	ok ty :3 keep sending those cute loli butts
2019-12-02 04:06	YaBoyPhineas#3060	can you send the id? just curious
2019-12-02 04:09	AkiHaru#5042	Oh yeah 1 sec
2019-12-02 04:12	AkiHaru#5042	(redacted image of Ohio driver license posted)
2019-12-02 04:12	AkiHaru#5042	There ya go, don't spread it around lol
2019-12-02 04:13	AkiHaru#5042	You even got my height and eye color
2019-12-02 04:13	YaBoyPhineas#3060	blue eyes
2019-12-02 04:15	AkiHaru#5042	You like toddler?
2019-12-02 04:15	YaBoyPhineas#3060	kinda
2019-12-02 04:16	AkiHaru#5042	I posted toddler and a guy was freaking out xD
2019-12-02 04:16	AkiHaru#5042	This loli R us!
2019-12-18 22:23	YaBoyPhineas#3060	are u into shota as well?
2019-12-18 22:23	AkiHaru#5042	Yeah
2019-12-18 22:24	AkiHaru#5042	i love straight shota
2019-12-18 23:16	AkiHaru#5042	Are you into real loli?
2019-12-18 23:16	YaBoyPhineas#3060	like what do u mean?
2019-12-18 23:17	AkiHaru#5042	You know what I mean
2019-12-18 23:18	YaBoyPhineas#3060	i mean, kinda ya, but i try not to get into that
2019-12-18 23:23	AkiHaru#5042	Maybe it's because you are a guy. As a girl I would love to have me a shota
2019-12-18 23:37	AkiHaru#5042	https://play.google.com/store/apps/details?id=com.mywickr.wickr2

2019-12-18 23:37	AkiHaru#5042	If you want to see more download that
2019-12-18 23:37	YaBoyPhineas#3060	what is it?
2019-12-18 23:38	AkiHaru#5042	It's a chat app that is safe and has security with messages
2020-01-25 20:22	AkiHaru#5042	I just moved yesterday.
2020-01-25 20:24	AkiHaru#5042	30 minutes away

22. Based on my training and experience, I know that the term “loli” is broadly used amongst individuals communicating about child pornography and sexual interactions with children. The term is a reference to the book “Lolita” written by Vladimir Nvokov, in which an adult man attempts to engage in sexual intercourse with a twelve-year-old female. The term “loli” can also be easily located and defined via a google search.
23. Based on conversations with other law enforcement officers, I know that the term “shota” is used amongst individuals communicating about child pornography and sexual interactions with children. The term is a shortened form of Japanese slang that describes an attraction to or sex with young boys. The term “shota” can also be easily located and defined via a google search.
24. According to Wickr’s Law Enforcement Guide, contents of communications are not available. Requests for the contents of communications require a valid search warrant from an agency with proper jurisdiction over Wickr. However, Wickr’s response to such a request will reflect that the content is not stored on Wickr’s servers or that, in very limited instances where a message has not yet been retrieved by the recipient, the content is encrypted data which is indecipherable.

25. On January 31, 2020, Springfield Police Department Detective Sandra Fent sent a Clark County, Ohio Court of Common Pleas subpoena to Springfield City Schools. Springfield City Schools confirmed that multiple children, one of which is approximately 4 (four) years of age, are on file as residing at 1362 E Cedarview Drive, Springfield, Ohio 45503.
26. Between January 30 and March 11, 2020, multiple surveillances were conducted of 1362 E Cedarview Drive, Springfield, Ohio 45503 by your affiant and other law enforcement officers and neither BRYANT nor a silver Saturn Ion were observed.
27. On February 20, 2020, a query in the Ohio Law Enforcement Gateway (OHLEG) located a silver Saturn Ion recently registered to BRYANT at 1362 E Cedarview Drive, Springfield, Ohio 45503 with Ohio license plate HZU7276.
28. On February 20, 2020, a DHS summons was sent to Facebook for the subscriber information for BRYANT's Facebook account. Facebook responded and provided a phone number for BRYANT OF 937-536-8530 (**Target Cell Phone**). Facebook's records also showed that BRYANT verified the **Target Cell Phone** on December 5, 2019.
29. On February 20, 2020, a DHS summons was sent to Sprint for subscriber records for the **Target Cell Phone**. Sprint responded and provided the following account records:

Account Billing Address:

Effective: 11/1/2019

Christopher Bryant

1362 Cedarview Drive E

Springfield, OH 45503

30. In my training and experience, Affiant has learned that Sprint are companies that provides cellular telephone access to the general public. Affiant also knows that providers

of cellular telephone service have technical capabilities that allow them to collect and generate at least two kinds of information about the locations of the cellular telephone to which they provide service: (1) E-911 Phase II data, also known as GPS data or latitude-longitude data, and (2) cell-site data, also known as "tower/face information" or cell tower/sector records. E-911 Phase II data provides relatively precise location information about the cellular telephone itself, either via GPS tracking technology built into the phone or by triangulating on the device's signal using data from several of the provider's cell towers. Cell-site data identifies the "cell towers" (i.e., antenna towers covering specific geographic areas) that received a radio signal from the cellular telephone and, in some cases, the "sector" (i.e., faces of the towers) to which the telephone connected. These towers are often a half-mile or more apart, even in urban areas, and can be 10 or more miles apart in rural areas. Furthermore, the tower closest to a wireless device does not necessarily serve every call made to or from that device. Accordingly, cell-site data is typically less precise than E-911 Phase II data.

31. Based on Affiant's training and experience, Affiant knows that Sprint can collect E-911 Phase II data about the location of the **Target Cell Phone**, by initiating a signal to determine the location of the **Target Cell Phone** on Sprint's network or with such other reference points as may be reasonably available.

AUTHORIZATION REQUEST

32. Based on the foregoing, Affiant requests that the Court issue the proposed search warrant, pursuant to Federal Rule of Criminal Procedure 41 and 18 U.S.C. § 2703(c).

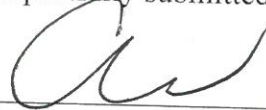
33. Affiant further requests, pursuant to 18 U.S.C. § 3103a(b) and Federal Rule of Criminal Procedure 41 (f)(3), that the Court authorize the officer executing the warrant to delay notice until 30 days after the collection authorized by the warrant has been completed. This delay is justified because there is reasonable cause to believe that providing immediate notification of the warrant may have an adverse result, as defined in 18 U.S.C. § 2705. Providing immediate notice to the subscriber or user of the **Target Cell Phone** would seriously jeopardize the ongoing investigation, as such a disclosure would give that person an opportunity to destroy evidence, change patterns of behavior, notify confederates, and flee from prosecution. See 18 U.S.C. § 3103a(b)(1). As further specified in Attachment B, which is incorporated into the warrant, the proposed search warrant does not authorize the seizure of any tangible property. See 18 U.S.C. § 3103a(b)(2). Moreover, to the extent that the warrant authorizes the seizure of any wire or electronic communication (as defined in 18 U.S.C. § 2510) or any stored wire or electronic information, there is reasonable necessity for the seizure for the reasons set forth above. See 18 U.S.C. § 3103a(b)(2).
34. Affiant further requests that the Court direct Sprint to disclose to the government any information described in Attachment B that is within the possession, custody, or control of Sprint. I also request that the Court direct to furnish the government all information, facilities, and technical assistance necessary to accomplish the collection of the information described in Attachment B unobtrusively and with a minimum of interference with Sprint services, including by initiating a signal to determine the location of the **Target Cell Phone** on Sprint's network or with such other reference points as may

be reasonably available, and at such intervals and times directed by the government. The government shall reasonably compensate Sprint for reasonable expenses incurred in furnishing such facilities or assistance.

35. Affiant further requests that the Court authorize execution of the warrant at any time of day or night, owing to the potential need to locate the **Target Cell Phone** outside of daytime hours.


36. Affiant further requests that the Court order that all papers in support of this application, including the affidavit and search warrant, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation that is neither public nor known to all the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

Respectfully submitted,




Christopher Wallace
Special Agent
Homeland Security Investigations

Sworn and subscribed before me this 12th day of March, 2020, at Dayton, Ohio.



THE HONORABLE SHARON L. OVINGTON
UNITED STATES MAGISTRATE JUDGE



ATTACHMENT A

Property to Be Searched

1. The cellular telephone assigned call number 937-536-8530 (the "**Target Cell Phone(s)**"), whose wireless service provider is Sprint, a wireless telephone service provider headquartered at 6480 Sprint Parkway, Overland Park, KS 66251.
2. Information about the location of the **Target Cell Phone** that is within the possession, custody, or control of Sprint including information about the location of the cellular telephone if it is subsequently assigned a different call number.

ATTACHMENT B

Things to be Seized

All information about the location of the **Target Cell Phone** described in Attachment A for a period of thirty days, during all times of day and night. "Information about the location of the **Target Cell Phone**" includes all available E-911 Phase II data, GPS data, latitude-longitude data, and other precise location information, as well as all data about which "cell towers" (i.e., antenna towers covering specific geographic areas) and "sectors" (i.e., faces of the towers) received a radio signal from the cellular telephone described in Attachment A.

To the extent that the information described in the previous paragraph (hereinafter, "Location Information") is within the possession, custody, or control of Sprint is required to disclose the Location Information to the government. In addition, Sprint must furnish the government all information, facilities, and technical assistance necessary to accomplish the collection of the Location Information unobtrusively and with a minimum of interference with Sprint's services, including by initiating a signal to determine the location of the **Target Cell Phone** on Sprint's and Sprint's network or with such other reference points as may be reasonably available, and at such intervals and times directed by the government. The government shall compensate Sprint for reasonable expenses incurred in furnishing such facilities or assistance.

This warrant does not authorize the seizure of any tangible property. In approving this warrant, the Court finds reasonable necessity for the seizure of the Location Information.

See 18 U.S.C. § 3103a(b)(2).

ATTACHMENT C

Code Section

Offense Description

18 U.S.C. §2252(a)(4)(B)

Possession of Child Pornography

18 U.S.C. §2252A(a)(5)(B)

Possession of Child Pornography

18 U.S.C. §2252(a)(2)(B)

Receipt and Distribution of Child Pornography

18 U.S.C. §2252A(a)(2)

Receipt and Distribution of Child Pornography